

Remarks

The Office Action mailed October 28, 2003 has been received and reviewed. Claims 1, 6, and 24 having been amended, and claims 36-38 having been added, the pending claims are claims 1-38. Reconsideration and withdrawal of the rejections are respectfully requested.

Support for the amendments to claims 1, 16, and 24 can be found in the specification at page 6, lines 32-33. Support for new claims 36 and 37 can be found at page 6, line 32 through page 7, line 1. Support for new claim 38 can be found in the claims as originally filed and at page 6, lines 32-33.

The 35 U.S.C. §102 Rejection

The Examiner rejected claims 1-9, 11-16, 18, 19, 22-27, 29-32, 34 and 35 under 35 U.S.C. §102(b) as being anticipated by Rawlings et al. (U.S. Patent No. 5,409,472). This rejection is respectfully traversed.

Rawlings et al. disclose at column 6, lines 60-65, that the foams "may be made of hydrophilic materials per se or may be treated to render them hydrophilic" and that "[i]t is much preferred to use foams which are made of a polymer which is itself hydrophilic as it has been found that the exudate is less likely to coagulate rapidly" (emphasis added). Column 7 of Rawlings et al. list examples of preferred hydrophilic materials for making foams. Thus, Rawlings et al. teach that using foams made of hydrophobic polymers per se by implication, are not desirable. Applicant's invention uses a foam made of hydrophobic polymer per se. Although a hydrophobic polymer can be treated with a surfactant to help it wet out moisture (claims 36 and 37 and Applicant's specification at page 6, line 32 through page 7, line 6), the moisture does not penetrate into the polymer network significantly. This renders the foam substantially nonswellable. In contrast, foams made of hydrophilic polymers per se will swell due to moisture penetration into the polymer network.

Thus, even though the classes of polymers used to make the foams of Applicant's invention are the same classes of polymers disclosed by Rawlings et al. (e.g., polyurethanes,

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carboxylated butadiene styrene rubber, polyacrylates), and such classes of polymers encompass both hydrophilic and hydrophobic polymers per se, Rawlings et al. disclose dressings using foams made of hydrophilic polymers, which would be inherently swellable. Accordingly, withdrawal of this rejection is respectfully requested.

The 35 U.S.C. §103 Rejection

The Examiner rejected claims 10, 17, 20, 21, 28, and 33 under 35 U.S.C. §103(a) as being unpatentable over Rawlings et al. (U.S. Patent No. 5,409,472) in view of Ward (U.S. Patent No. 5,000,172). This rejection is respectfully traversed.

Rawlings et al. is discussed above. Ward does not add that which is missing from Rawlings et al. Thus, withdrawal of this rejection is respectfully requested.

Information Disclosure Statement

Applicant has not received an initialed copy of a 1449 form, which was filed as a Supplemental Information Disclosure Statement, on March 12, 2002. Applicant respectfully requests a copy initialed by the Examiner, to be included with the next official communication. A courtesy copy of the 1449 and stamped returned postcard are enclosed.

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Summary

It is respectfully submitted that the pending claims 1-38 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicant's Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for  
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January 20, 2004  
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AMM/rgg

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CERTIFICATE UNDER 37 CFR §1.10:

"Express Mail" mailing label number: EV 405 458 584 US

Date of Deposit: January 20, 2004

I hereby certify that the Transmittal Letter and the paper(s) and/or fee(s), as described hereinabove, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Rachel Anglini-Gibson  
Name: Rachel Anglini-Gibson

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